0330

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Docket No.: 10692V-0005MUS

" CENTER 1600/2000

on 1/12/04

TOWNSEND and TOWNSEND apd)CREW LLP

By: Judith Cotlan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICECEIVED

MAR 2 7 2007

In re application of:

Michael A. Adams

Application No.: 10/043,039

Filed: October 25, 2001

For: FORMULATIONS AND METHODS OF USING NITRIC OXIDE MIMETICS AGAINST A MALIGNANT

CELL PHENOTYPE

Examiner:

Unassigned

OFFICE OF PETITIONS

Art Unit:

1616

PETITION TO WITHDRAW NOTICE OF ABANDONMENT (37 C.F.R. § 1.181(a))

KECEIVEL MAY28 2004 OIPE/JCWS

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

On December 12, 2003, the U.S. Patent and Trademark Office (USPTO) mailed a Notice of Abandonment indicating that the above identified patent application has been abandoned for failure to file a response to the Notice of Missing Parts. A copy of the Notice of Abandonment is attached as Exhibit A.

The above referenced application was filed on October 25, 2001 by Applicants' attorneys, the firm of Licata & Tyrrell P.C. The USPTO mailed out a Notice to File Missing Parts of Nonprovisional Application on February 12, 2002. The Notice of Missing Parts requested a signed declaration and a late oath filing fee.

Michael A. Adams et al. Application No.: 10/042,039

Page 2

. .

On May 13, 2002, Applicants filed a Response to Notice of Missing Parts which included an executed Declaration, Petition to Extend Time and authorization for payment of the surcharge and extension fees. Also included in the filing was Applicants' Revocation of Power of Attorney and Statement Under 37 CFR 3.73(b) which included a request to change the correspondence address for this application to Customer Number 20350 (Townsend and Townsend and Crew LLP). The response to the Notice of Missing Parts was transmitted to the USPTO by U.S. Postal Service First Class Mail. A copy of the entire Response to Notice to File Missing Parts is attached as Exhibit B.

Applicants included with the filing of the Response to Notice to File Missing Parts a return receipt postcard. A copy of the postcard, stamped with the receipt dates of May 29, 2002 and May 31, 2002, is attached as Exhibit C.

Therefore, it is respectfully submitted that patent application 10/042,039 should not have gone abandoned for failure to file a response to the Notice of Missing Parts, because a response was successfully sent to the USPTO within the period for reply on May 13, 2002. In addition, a proper Revocation of Power of Attorney and request to change the correspondence address was filed with the USPTO. However, it appears that to date, the USPTO has not changed their records and it is requested that this change in correspondence address be noted.

Pursuant to 37 C.F.R. § 1.181(a), Applicants hereby request that the holding of abandonment be withdrawn in patent application 10/042,039. This petition is being filed within two months of the mailing date of the Notice of Abandonment as required by 37 C.F.R. §1.181(f).

PATENT

Michael A. Adams et al. Application No.: 10/042,039

Page 3

The Applicant believes that no fees are required for this petition.

However, if any fees relating to patent application 10/042,039 are required, please charge any fees or credit any overpayment to Deposit Account 20-1430. This petition is submitted in duplicate.

Respectfully submitted,

Joseph R. Snyder Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834

Tel: (415) 576-0200 Fax: (415) 576-0300

60115200 v1



United States Patent and Trademark Office

APPLICATION NUMBER

FILING OR 371(C) DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

10/042,039

Licata & Tyrrell P.C. 66 East Main Street Marlton, NJ 08053

10/25/2001

Michael A. Adams

PTQ-0039

DEC 23 2003

CONFIRMATION NO. 7209 ABANDONMENT/TERMINATION

OC00000011483436

Date Mailed: 12/12/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/12/2002.

No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the aboveidentified Notice; (3) the petition fee set forth in 37 CFR 1.17(I); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the aboveidentified Notice: (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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OFFICE OF PETITIONS

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB-control number. 10/043,039 Application Number TRANSMITTAL October 25, 2001 Filing Date RECEIVED FORM Adams, Michael A. First Named Inventor (to be used for all correspondence after initial filing) Group Art Unit 1616 **Examiner Name** OFFICE OF PETITIONS 10692V-000521US Total Number of Pages in This Submission **Attorney Docket Number** ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form Group (for an Application) Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition Routing Slip (PTO/SB/69) Proprietary Information After Final and Accompanying Petition Petition to Convert to a Status Letter Affidavits/declaration(s) **Provisional Application** Revocation of Power of Attorney or Other Enclosure(s) Extension of Time Request Authorization of Agent (please identify below): Terminal Disclaimer Return Postcard Express Abandonment Request Request for Refund Declaration Information Disclosure Statement CD. Number of CD(s) Statement Under 3.73(b) The Commissioner is authorized to charge any additional fees to Certified Copy of Priority Deposit Account 20-1430. Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Townsend and Townsend and Arew LLP Firm and Reg. No. 39,381 Joseph R. Snyder Individual name Signature May 13, 2002 Date CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: May 13, 2002 Sylvia E. Arnold Typed or printed name

Burden Hour Statement: This form gestimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Date

May 13, 2002

WC 9041438 v1

Signature

FFE TO A MODALTTAL	Complete If Known				
FEE TRANSMITTAL	Application Number	10/043,039			
for FY 2001	Filing Date	October 25, 2001			
	First Named Inventor	Adams, Michael A.			
Patent fees are subject to annual revision.	Examiner Name				
	Group Art Unit	1616			
TOTAL AMOUNT OF PAYMENT (\$) 120	Attorney Docket No.	10692V-000521US			

METHOD OF PAYMENT					FEE C	ALCULATION (continued)	
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:			TIONAL				
Deposit	Fee Cod	Ť	Entity Fee (\$)	Small Fee Code	Fee (\$)	Fee Description	Fee Paid
Account 20-1430	105		130	205	65	Surcharge - late filing fee or oath	65
Number	127	•	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
Deposit Account Townsend and Townsend and Crew LLP	139	,	130	139	130	Non-English specification	
Name	147		2,520	147	2,520	For filing a request for reexamination	
☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	112	!	920*	112	920°	Requesting publication of SIR prior to Examiner action	
Applicant claims small entity status. See 37 CFR 1.27	113		1,840*	113	1,840°	Requesting publication of SIR after Examiner action	
2. Payment Enclosed:	115	,	110	215	55	Extension for reply within first month	55
☐ Check ☐ Credit card ☐ Money ☐ Other	116		400	216	200	Extension for reply within second month	
Order	117		920	217	460	Extension for reply within third month	
FEE CALCULATION 1. BASIC FILING FEE	118	L.	1,440	218	720	Extension for reply within fourth month	
Large Entity Small Entity	128	ļ.	1,960	228	980	Extension for reply within fifth month	
Fee Fee Fee Fee Description	119	1	320	219	160	Notice of Appeal	
Code (\$) Code (\$) Fee Paid	120		320	220	160	Filing a brief in support of an appeal	
101 740 201 370 Utility filing fee	121		280	221	140	Request for oral hearing	
106 330 206 165 Design filing fee 107 510 207 255 Plant filing fee	138	1	1,510	138	1,510	Petition to institute a public use proceeding	
108 740 208 370 Reissue filing fee	140	1	110	240	55	Petition to revive – unavoidable	
114 160 214 80 Provisional filing fee	141		1,280	241	640	Petition to revive – unintentional	
	142		1,280	242	640	Utility issue fee (or reissue)	
SUBTOTAL (1) (\$)	143		460	243	230	Design issue fee	
2. EXTRA CLAIM FEES	144		620	244	310	Plant issue fee	
Extra Fee from Fee	122	?	130	122	130	Petitions to the Commissioner	— —
Total Claims Delow Paid Total Claims X = X	123	1	50	123	50	Petitions related to provisional applications	
Independent Claims = X = X	126	3	180	126	180	Submission of Information Disclosure Stmt	
Multiple X = =	581		40	581	40	Recording each patent assignment per property (times number of properties)	
Large Entity Small Entity Fee Fee Fee Fee Fee Fee Fee Fee Fee	146	6	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
Code (\$) Code (\$) Fee Description 103 18 203 9 Claims in excess of 20	149)	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
102 84 202 42 Independent claims in excess of 3	179	a	740	279	370	Request for Continued Examination (RCE)	
104 280 204 140 Multiple dependent claim, if not paid	1					•	
109 84 209 42 ** Reissue independent claims over original patent	169	9	900	169	900	Request for expedited examination of a design application	
110 18 210 9 ** Reissue claims in excess of 20 and over original patent			e (specif			and the second	
SUBTOTAL (2) (\$)			mmissio ve noted			ed to charge any additional fees to unt.	
	·R	Reduc	ed by Ba	asic Filin	g Fee P	aid SUBTOTAL (3) (\$)120	
**or number previously paid, if greater; For Reissues, see above							

SUBMITTED BY				Co	omplete (if applicable)	
Name (Print/Type)	Joseph R. Snyder	Registration No. (Attorney/Agent)	39,381	Telephone	925-472-5000	
Signature	Doug A	· Am	-	Date	May 13, 2002	

WARALING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PTO/SB/22 (10-00) through 10/31/2002. OMB 0651-0031 Approved fc U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unle s it displays a valid OMB control number Docket Number (Optional) PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) 10692V-000521US In re Application of Michael A. Adams et al. RECEIVED Application Number 10/043,039 Filed October 25, 2001 FORMULATIONS AND METHODS OF USING NITRIC OXIDE MIMETICS AGAINST A MALIGNANT CELL OFFICE OF PETITIONS Group Art Unit Examiner 1616 This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and appropriate non-small-entity fee are as follows (check time period desired): \$110 Two months (37 CFR 1.17(a)(2)) ☐ Three months (37 CFR 1.17(a)(3)) Four months (37 CFR 1.17(a)(4)) Five months (37 CFR 1.17(a)(5)) Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown 図 above is reduced by one-half, and the resulting fee is: \$ 55. A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. П The Commissioner has already been authorized to charge fees in this application to a Deposit Account. The Commissioner is hereby authorized to charge any fees which may be required. \boxtimes or credit any overpayment, to Deposit Account Number 20-1430. I have enclosed a duplicate copy of this sheet. I am the \(\square\) applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). attorney or agent of record. attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PPO-2038. May 13, 2002

> Date Typed or printed name

Joseph R. Snyder, Reg. No. 39,381

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

forms are submitted

WC 9041440 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 10692V-000521US

PTQ Ref.: -1997-024-01US

Assistant Commissioner for Patents

Attn: Box Missing Parts Washington, D.C. 20231

On ______ May 13, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Sylvia F Amold

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MAR 2 7 2007

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael A. Adams et al.

Application No.: 10/043,039

Filed: October 25, 2001

For: FORMULATIONS AND

METHODS OF USING NITRIC OXIDE MIMETICS AGAINST A MALIGNANT

CELL PHENOTYPE

Examiner:

Art Unit:

1616

TRANSMITTAL LETTER – RESPONSE TO NOTICE OF MISSING

PARTS

Attn: Box Missing Parts

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated February 12, 2002, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration
- 2) Power of Attorney and Statement Under 37 C.F.R. § 3.73(b) with copies of Assignments
- 3) Petition to Extend Time (1 month)
- 4) Copy of Notice of Missing Parts

Michael A. Adams et al. Application No.: 10/043,039

Page 2

Please charge Deposit Account No. 20-1430 for the following fees:

Small Entity:

(a) Filing Fee (§ 1.16(a)) (Small Entity)

\$0.00

(b) Excess Claims Fees (§ 1.16(b), (c)):

$$40 - 20 = 20$$

$$x $9.00 =$$

\$0.00

$$12 - 3 = 9$$

$$x $42.00 =$$

\$.00

(c) Missing Parts Surcharge

\$65.00

TOTAL FEES TO BE CHARGED

\$65.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,

Joseph R. Snyder Reg. No. 39,381

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 925 472-5000 Fax: 415 576-0300

JS:sea

WC 9041436 v1

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MAR 2 7 2007

DECLARATION

OFFICE OF PETITIONS

This application is a Continuation-In-Part application of U.S. Serial No.09/842,547, filed April 26, 2001.

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype

the specification of which was filed October 25, 2001 as Serial Number 10/042,039.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 and in particular information which has occurred between the filing date of our earlier application and the filing date of this application.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign A	pplication		Priority <u>Claimed</u> [] [X]
(Number)	(Country)	(Month/Day/Year Filed)	Yes No
Prior U.S. Appl	ication		Priority
60/199,757 (Number)	US (Country)	April 26, 2000 (Month/Day/Year Filed)	Claimed [X][] Yes No

60/277,469	US	March 21, 2001	Priority Claimed [X][] Yes No
(Number)	(Country)	(Month/Day/Year Filed)	
09/842,547 (Number)	<u>US</u> (Country)	April 26, 2001 (Month/Day/Year Filed)	Priority <u>Claimed</u> [X][] Yes No

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: ADAMS, Michael A

First Inventor's Signature

March 26, 2002 Canada

341 Renda Street

Kingston, Ontario K7M 5X9

Canada

Residence and Post Office Address

Full name of second joint inventor: HEATON, Jeremy P.W.

Second Inventor's Signature

24 April 2002 Canada
Dated Citizenship

1818 MacAlpine Road, R.R. # 3, Gananoque, Ontario K7G 2V5 Canada

Residence and Post Office Address

Full name of third joint inventor: GRAHAM, Charles H.

Third Inventor's Signature

Dated Total Canada Citizenship

753 Allum Avenue

Kingston, Ontario K7M 7A3

Canada

Residence and Post Office Address

Full name of fourth joint inventor: POSTOVIT, Lynne-Marie

Agnae Marie Postovit Fourth Inventor's Signature

Canada Citizenship

930 Rainbow Crescent Kingston, Ontario K7K 7J2

Canada

Residence and Post Office Address

PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application Number	10/042,039		
Filing Date	October 25, 2001	RECEIVED	
First Named Inventor	ADAMS, M.A.		
Group Art Unit	1616	MAR 2 7 2007	
Examiner Name		CELOF OF DETITIONS	
Attorney Docket Number	10692V-000521U OFFICE OF PETITION		
	Filing Date First Named Inventor Group Art Unit Examiner Name	Filing Date October 25, 2001 First Named Inventor ADAMS, M.A. Group Art Unit 1616 Examiner Name	

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:							
 □ A Power of Attorney or Authorization of Agent is submitted herewith. OR ☑ Please change the correspondence address for the above-identified application to: ☑ Customer Number ② 20350 							
OR							
☐ Firm <i>or</i> Individual	Name						
Address							
Address		·					
City							
Country				State		ZIP	
Telephone				Fax			
I am the:							
	cant/Invento	or.					
		ord of the entire i	interest. See	97 CF	R 3.71.		
Certifi	icate under	37 CFR 3.73(b)) is enclosed	. (Form	PTO/SB/9	6)	
	SIGNATURE of Applicant or Assignee of Record						
Name	Name R. Kerry Rowe, on behalf of Assignee, Queen's University at Kingston					ston	
Signature	62	"lem for	e.,				
Date	2						
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.							
Submit multiple Total of		e tnan one signature e submitted.	is required, sei	DEIUW .			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Approved for useough 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Attorney Docket No. 10692V-000520US

STATEMEN	IT UNDER 37 CFR 3.73(b)			
Applicant/Patent Owner: Queen's University at King	gston			
Application No./Patent No.: 10/042,039				
Entitled: Formulations and Methods of Using Nitric	Oxide Mimetics Against a Malignant Cell Phenotype			
Queen's University at Kingston (Name of Assignee)	a <u>university</u> Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)			
states that it is:				
1. the assignee of the entire right, title, an	nd interest; or			
2. an assignee of an undivided part interest	est			
in the patent application/patent identified above by				
A. An assignment from the inventor(s) of the parecorded in the Patent and Trademark Office	ntent application/patent identified above. The assignment was at Reel, Frame, or for which a copy thereof is attached.			
OR				
B. \(\sum \) A chain of title from the inventor(s), of the pashown below:	atent application/patent identified above, to the current assignee as			
1. From: Charles H. Graham and Lynne-N Postovit	larie To :Queen's University at Kingston			
The document was recorded in the Uni	ted States Patent and Trademark Office at			
Reel, Frame, or for which	a copy thereof is attached.			
2. From: Michael A. Adams and Jeremy P Heaton				
The document was recorded in the Uni	ted States Patent and Trademark Office at a copy thereof is attached.			
3. From: Imaih Corporation	To :Queen's University at Kingston			
The document was recorded in the Un	ited States Patent and Trademark Office at			
Reel, Frame, or for which	n a copy thereor is attached.			
☐ Additional documents in the chain of ti	tle are listed on a supplemental sheet.			
	the chain of title are attached.			
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]				
The undersigned (whose title is supplied below) is	empowered to sign this statement on behalf of the assignee.			
May <u></u>	R leng Row			
Date	Signature			
	R. Kerry Rowe			
	Typed or printed name			
	VP Research			
	Title			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

WC 9032684 v1

RECEIVED

MAR 2 7 2007

ASSIGNMENT

The undersigned IMAJH CORPORATION, a corporation incorporated under the laws of the Province of Ontario, Canada, whose full post office address is 341 Renda Street, Kingston, Ontario, K7M 5X9, Canada (hereinafter "IMAJH") hereby assigns, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to Queen's University at Kingston, of Kingston, Ontario, K7L 3N6, Canada (hereinafter Queen's) all IMAJH's rights, title and interest, including priority rights, in and to the invention relating to Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

The undersigned hereby covenants and agrees that IMAJH will execute or procure any further necessary documents of the title to said invention and Letters Patent; and that IMAJH will, at any time, upon the request and at the expense of Queen's, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention, or any Letters Patent which may be granted therefor, to Queen's; IMAJH will, at any time, upon the request and at the expense of Queen's, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof; and IMAJH will make all rightful oaths and generally do all lawful acts to aid Queen's, its successors, assigns or other legal representatives to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of Queen's, its successors, assigns or other legal representatives.

And IMAJH hereby authorizes and requests the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said applications, or from any division, reissue or extension thereof, to Queen's as IMAJH's sole assignee.

	In testimony whereof I have hereunto set my hand:				
	this	24	_ day of	Amil	, 2002
	ІМАЈН СО	RPORA	ΓΙΟΝ		
	Jeremy P.W President	V. Heaton	eator	<u> </u>	-
	CERTII	FICATE			
City of Kingston) Province of Ontario)					
On this dappeared before me in person and signed and delivered the above in set forth.	i acknowledge	ed the abo is volunta Steph Nota	ve to be his	leed for the pur	that he
		Fronten. attestati	ac Board of Ma	er, Notary Public, magement, limited its and the taking o ovations.	

Expires January 9, 2004

ASSIGNMENT

Whereas we, Michael A. ADAMS, whose full post office address is 341 Renda Street, Kingston, Ontario K7M 5X9, Canada, and Jeremy P.W. HEATON, whose full post office address is 1818 MacAlpine Road, R.R. # 3, Gananoque, Ontario, K7G 2V5, Canada, have previously assigned all our rights, title and interest including priority rights, in and to our invention as set for in U.S. Patent Application Serial No. 60/199,757, filed on April 26, 2000, U.S. Patent Application Serial No. 60/277,469, filed on March 21, 2001, International Patent Application Serial No. PCT/CA01/00566, filed on April 26, 2001, and U.S. Patent Application Serial No. 09/842,547, filed on April 26, 2001, and entitled Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype to IMAJH CORPORATION (hereinafter "IMAJH"), a corporation incorporated under the laws of the Province of Ontario, Canada, whose full post office address is 341 Renda Street, Kingston, Ontario, K7M 5X9, Canada, we do hereby assign, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to IMAJH, all our rights, title and interest, including priority rights, in and to our invention relating to Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

We hereby covenant and agree that we will execute or procure any further necessary documents of the title to said invention and Letters Patents; and that we will, at any time, upon the request and at the expense of IMAJH, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor, to IMAJH or its assignee in writing, we will, at any time, upon the request and at the expense of IMAJH, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof, make all rightful oaths and generally do all lawful acts to aid IMAJH to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of IMAJH.

We hereby authorize and request the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said applications, or from any division, reissue or extension thereof, to IMAJH, or to its assignee in writing.

This Assignment shall enure to the benefit of and be binding upon my heirs, executors, personal legal representatives and assigns, and shall enure to the benefit of IMAJH, its successors, assigns and other legal representatives.

IN TESTIMONY WHEREOF I have hereunto set my hand:
this 28th day of March, 2002. M. A.

Michael A. Adams

IN TESTIMONY WHEREOF I have hereunto set my hand:

this 20 day of

, 2001/

Jeremy P.W. Heaton

CERTIFICATE

City of Kingston Province of Ontario))			
On this $\underline{2}$	day of _	Manch	2002, Michael A. Adai	ms appeared
before me in person	and acknowledged	the above to be	his signature, and that he	signed and
delivered the above in	nstrument as his vol	untary act and de	eed for the purposes hereir	n set forth.
		Notar	en J. Scribner y Public nce of Ontario	-
City of Kingston Province of Ontario))	Frontenac attestation for PARTI	oseph Scribner, Notary Public, Board of Management, limited to n of instruments and the taking of EQ R & D Innovations, anuary 9, 2004	
On this	26 day of	April	_2002, Jeremy P.W. Heat	ton appeared
			his signature, and that he	
delivered the above i	instrument as his vol	luntary act and de	eed for the purposes herein	n set forth.
			J. Abr	
	`	-	en J. Scribner	_
			~	
		Provi	nce of Untario	
		Fronte attest for PA	on Turning Criston of Matary Public man pland of Management, limits ition of instruments and the Inking ARTEQ N & D. Innovations, sectors of 2004	ed to the
before me in person	and acknowledged	Steph Notar Provide troute attests	eed for the purposes hereing t	e signed an set forth

ASSIGNMENT

Whereas we, Charles H. GRAHAM and Lynne-Marie POSTOVIT, whose full post office addresses are 753 Allum Avenue, Kingston, Ontario, K7M 7A3, Canada; and 930 Rainbow Crescent, Kingston, Ontario, K7K 7J2, Canada; respectively, have previously assigned all our rights, title and interest including priority rights, in and to our invention as set for in U.S. Patent Application Serial No. 60/199,757, filed on April 26, 2000, U.S. Patent Application Serial No. 60/277,469, filed on March 21, 2001, International Patent Application Serial No. PCT/CA01/00566, filed on April 26, 2001, and U.S. Patent Application Serial No. 09/842,547, filed on April 26, 2001, and entitled Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype to Queen's University at Kingston, a non-profit educational corporation, whose full post office address is Kingston, Ontario, K7L 3N6, Canada (hereinafter Queen's), we do hereby assign, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to Queen's, all our rights, title and interest, including priority rights, in and to our invention relating to Formulations and Methods of Using Nitric Oxide Mimetics Against a Malignant Cell Phenotype, as set forth in U.S. Patent Application Serial No. 10/042,039, filed on October 25, 2001, in and for the United States of America, Canada, and all countries foreign thereto in its name or in any name at its election.

We hereby covenant and agree that we will execute or procure any further necessary documents of the title to said invention and Letters Patents; and that we will, at any time, upon the request and at the expense of Queen's, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor, to Queen's; we will, at any time, upon the request and at the expense of Queen's, testify in any legal proceedings, sign all lawful papers, execute any additional, divisional, substituting, continuing or reissue applications for patents for said invention, or any part or parts thereof, make all rightful oaths and generally do all lawful acts to aid Queen's, its successors, assigns or other legal representatives to obtain and enforce patent protection in said invention in all countries, without further compensation, but at the expense of Queen's, its successors, assigns or other legal representatives.

And we hereby authorize and request the Commissioner of Patents or the Comptroller (as the case may be) to issue any and all Letters Patent for said invention or resulting from said application, or from any division, reissue or extension thereof, to Queen's as our sole assignee.

In testimony whereof I have hereunto set my hand:
this <u>/ ST</u> day of <u>HAY</u> , 2002
Charles H. Graham
In testimony whereof I have hereunto set my hand:
this
<u>dyme-manuPostovit</u> Lyme-Marie Postovit

CERTIFICATE

City of Kingston	·)			
Province of Ontario)			
On this person the above Ch	ıarles H.	Graham and	d acknow⊯dg	2002 appeared before me in ed the above to be his signature, and
		ne above ins	strument as mi	s voluntary act and deed for the
purposes herein set	forth.			S. Shu
				Stephen J. Scribner
				Notary Public
				Province of Ontario
				Stephen Joseph Scribner, Notary Public,
City of Kingston Province of Ontario)			Frontenac Board of Management, limited to the attestation of instruments and the taking of affidavits, for PARTEQ R & D Innovations,
On this		day of	Man	Expires January 9, 2004 2002 appeared before me in
person the above Ly	ynne-Ma	rie Postovit	and acknowle	dged the above to be her signature, and
that she signed and	delivered	the above in	nstrument as h	ner voluntary act and deed for the
purposes herein set				•

Stephen J. Scribner
Notary Public
Province of Ontario
Stephen Joseph Scribner, Notary Public,
Frontenac Board of Management, limited to the attestation of instruments and the taking of affidavits, for PARTEQ R & D Innovations.

Expires January 9, 2004



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

FIRST NAMED APPLICANT ATTORNEY DOCKET NUMBER APPLICATION NUMBER FILING/RECEIPT DATE

10/042,039

Licata & Tyrrell P.C. 66 East Main Street

Marlton, NJ 08053

10/25/2001

Michael A. Adams

PTQ-0039

CONFIRMATION NO. 7209

FORMALITIES LETTER

OC000000007465096*

Date Mailed: 02/12/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified
- The balance due by applicant is \$ 65.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT APPLICATION FILING ACKNOWLEDGMENT

Mailing Date:

05/13/02

File No.: Serial No. 10692V-000521US

Attorney:

MAY 2 9 2002

JS/s

Inventor(s):

10/042,039

Title:

Michael A. Adams et al.

FORMULATIONS AND METHODS OF USING NITRIC OXIDE MIMETICS AGAINST A MALIGNANT CELL PHENOTYPE

Due Date:

April 12, 2002 (May 12, 2002, Sunday)

Transmittal Form; Fee Transmittal (in duplicate); Petition to Extend Time (in duplicate); Response to Notice to File Missing Parts; Declaration; Statement Under 36 CF 3178 (1987) copies of Assignments; Revocation of Power of Attorney or Authorization of Agent

Please stamp the date of receipt of the enclosed documents and return this card to addressee 3 1 200

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